

EXHIBIT E



September 13, 2021

VIA EMAIL

W. Craig Robertson III
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington KY 40507-1746
Email: wrobertson@wyattfirm.com

Re: In the Matter of Robert A. Baffert

Dear Mr. Robertson:

On September 10, 2021, according to published media reports, you and Clark O. Brewster made the following statements on behalf of Robert A. Baffert, in response to the notice of hearing, statement of charges and hearing rules and procedures served on him in the above referenced proceeding:

** "The federal court in New York enjoined NYRA from enforcing its suspension of Mr. Baffert pending a conclusion of that suit," Robertson said. "That suit has not been concluded. As such, this is an improper attempt by NYRA to circumvent the judge's ruling. We will address it accordingly."*

** "New York's action, initially, was to do the same thing Churchill [Downs] did," said Clark Brewster, another attorney that represents Baffert and Zedan Racing Stables. "But the federal judge said, 'No, that doesn't conform with constitutional fair play and due process; you're not going to do that.'"*

** "My attitude is, and Craig's is too, is let's look at the facts, the law, and try to reason, but if you can't and you have unreasonable people, then we have to have other people make decisions for them, maybe a judge," Brewster said.*

So there is no confusion or misunderstanding, Mr. Baffert is not currently under suspension at any NYRA racetrack. Contrary to your assertion, NYRA is not seeking to "enforce" the May 17, 2021 letter temporarily suspending him. Mr. Baffert is free to enter and stable horses at Belmont Park, Aqueduct Racetrack and the Saratoga Race Course, just as he has been for the past two months. That status will remain in effect, pending the final outcome of the instant proceeding, in accordance with NYRA's hearing rules and procedures.



NYRA's May 17, 2021 letter is no longer in effect, and NYRA does not now or in the future intend to enforce or otherwise invoke that letter, as the basis for any action taken against Mr. Baffert. The instant proceeding, by which NYRA seeks to bar Mr. Baffert from entering and stabling horses at the racetracks, was independently commenced pursuant to NYRA's common law and regulatory authority to exclude licensees, subject to the strictures of constitutional due process, and in full compliance with the U.S. District Court's order and memorandum, dated July 14, 2021, in *Bob Baffert v. The New York Racing Association, Inc.*

Very truly yours,



Melanie Sims Frank
Deputy General Counsel

cc: Robert A. Baffert (via email)
Henry M. Greenberg (via email)